

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**December 16, 2008 MINUTES**

On Tuesday, December 16, 2008, a meeting of the Board of Madison County Commissioners came to order at 10:05 a.m. in the Commissioners' Conference Room of the Madison County Courthouse in Virginia City, Montana, with Commissioners Jim Hart, Marilyn Ross, and David Schulz present.

Because the meeting was delayed and the first appointment was ready to begin, the Board opted to delay the reading of the minutes until later in the meeting.

Those people in attendance at the meeting were Charity Fechter, Peggy Kaatz, Jeremy leFeber, Kevin Helling, Jim Jarvis, Joanne Erdall, Kasey Smart, Margie Edsall, Jill Steele, Janie Alt, Leona Stredwick, Karen Brown, Patty Davis, Holly Barney, Karen Miller, Amy Donovan, Lizz Babcock, Lisa Frye, Donna Gilman, Shelly Burke, Kathleen Mumme, Lana Atkins, Vicki Tilstra, Brandy Hilton, Barbie Durham, Steve DiGiovanna, Dale Grose, and those on the attached list.

**Indian Ridge Subdivision Final Plat:** Charity Fechter, Planning Director, presented the Board with the final plat of Indian Ridge Subdivision. Peggy Kaatz, Clerk and Recorder, Kevin Helling, Subdivider Representative, and Jeremy leFeber, Berg, Lilly and Tollefsen, Attorney for Subdivider, were also present for this portion of the meeting. The proposed subdivision is located approximately .5 miles west of Ennis and would create 12 single-family residential lots ranging from 1 acre to 2.6 acres in size with 10.6 acres designated as open space. The subdivision consists of three lower lots that will be directly accessed off of Centennial Drive and nine lots on the bench, which will be accessed by Agua Lane. Both of these roads provide public access and are currently part of an RID for road improvements. Charity gave a brief chronology of the events leading to the request for final plat approval and explained that there were some minor issues with this plat that have been resolved. However, one remaining issue that has not been resolved is the fair share participation in Centennial Drive widening and paving and Agua Lane construction. Because of this issue, Charity recommended that the final plat not be approved. Much discussion followed regarding the cost of paving Agua Lane; what is considered "fair share"; is this subdivision subject to the regulations that were in effect at the time of submittal or current regulations; how to connect new development into an existing RID; and is this development required to reimburse Spanish Q for improvements they chose to make that were not required. David Schulz asked that Jeremy leFeber list concerns regarding "fair share" involvement in a letter to the Board. Based on the recommendation of the Planning Director that the requirement for fair-share participation in the Centennial Drive widening and paving and Agua Lane construction referred to in the June 15, 2007 letter has not been resolved, but noting that all other conditions for approval have been satisfied, Jim Hart moved not to approve the final plat of Indian Ridge Subdivision in Section 32, Township 5 South, Range 1 West. Marilyn Ross seconded the motion. All voted aye and the motion carried.

**Staff Meeting:** Those present at the staff meeting were Charity Fechter, Jim Jarvis, Joanne Erdall, Kasey Smart, Margie Edsall, Jill Steele, Janie Alt, Leona Stredwick, Karen Brown, Patty Davis, Holly Barney, Karen Miller, Amy Donovan, Lizz Babcock, Lisa Frye, Donna Gilman, Shelly Burke, Kathleen Mumme, Lana Atkins, Vicki Tilstra, Brandy Hilton, Barbie Durham, Peggy Kaatz, and Steve DiGiovanna.

- **Email/Mail:** Karen Brown, GIS/IT, discussed email issues such as malicious or spam email. Karen stated that the State is trying to reduce this type of thing but that not all employees are on the State system. She asked that this type of email not be forwarded to contact groups or other employees and if you do receive something suspicious please contact her. David Schulz discussed hazards of snow and ice this time of year and asked that offices consider consolidating mail duty so there are not as many people exposed to these dangerous conditions.
- **Excess Vehicles:** David Schulz asked if any departments have County vehicles that are seldom or never used and to let the Commissioners know so these vehicles can be disposed of and taken off the County liability insurance.
- **Lee Property/Office Space:** David Schulz discussed the Lee House as an option for office space and stated that this topic will be discussed in more length at a later date. Employees will be notified when this discussion takes place.
- **Advisory Boards:** David Schulz discussed advisory boards and asked that boards consider providing a summary of meeting minutes to the Commissioners, stating this will help keep the Board advised of discussions with each board and, by putting summaries on the website, would keep the public informed also. He also reminded everyone that Boards need to submit a list to the Finance Department with

names and the amount of time spent at meetings for Workers Compensation.

- **Budget Concerns:** David Schulz reminded everyone that although most budgets are minimal, please give consideration to the current status of the economy when making purchases or planning for budget items. He stated that if taxable values go down, it may have an affect on all budgets.
- **Employee Concerns:** Jill Steele, Public Health Administrator, stated that Bob Wagner and Debby Barrett would be attending the meeting at 2:00 p.m. this afternoon and urged anyone with legislative topics to attend. Patty Davis, County Attorney's Assistant, requested that staff meetings be held at 1:00 p.m. instead of 11:00 a.m. Vicki Tilstra, Chief Financial Officer, asked if there was any way to get announcements to the Sheriff's Department and the Library. Lana Atkins, Deputy Clerk and Recorder, asked if there would be a going away party for Roger Staley, Maintenance personnel. Marilyn Ross reminded everyone that there was a box in the hallway for donations to the County food banks and that with lay offs and the poor economy there would be more need than ever.

Jim Hart left the meeting for a short period to take an extension cord to the Library.

**Spanish Peaks Resort, Phase II, Release of Improvements Agreement and Financial Guarantee:** Charity Fechter, Planning Director, met with the Board to discuss a request from Spanish Peaks Resort to release the Improvements Agreement and associated financial security guarantee for Spanish Peaks Resort Phase II, Elkridge and Skitip Roads, Big Sky, Montana. Charity stated that Martin Gagnon of Morrison Maierle, Inc. has certified that the required improvements have been completed; and that she and Jim Hart had visited the site to confirm that the improvements were acceptable. Charity also stated that the agreement allows the County to retain 10% of the improvements amount until the one year warranty period is complete, but in this case felt there was no need to retain any portion of the funds. Per recommendation of the Planning Director, Marilyn Ross moved to fully release the Subdivision Improvements Agreement for Spanish Peaks Resort, Phase II, filed as Document #124004, and to return \$17,250, the full amount of the cash deposit placed as surety for the improvements, from Fund 2250, Cash Account 101002. David Schulz seconded the motion. All voted aye and the motion carried.

Jim Hart returned to the meeting at this point.

**Cowboy Heaven Phase 3D, SIA, and Estoppel Letter:** Charity Fechter, Planning Director, met with the Board to discuss replacing a current Subdivision Improvements Agreement and Letter of Credit with new documents to reflect remaining improvements to Deep Forest Drive and High Camp Spur Road. Per recommendation of the Planning Director, Jim Hart moved to release the Subdivision Improvements Agreement for Cowboy Heaven Phase 3C (Area 3) and Phase 3D, filed as Document #126423, with associated Letter of Credit #2008-6, issued by the First Madison Valley Bank in the amount of \$120,829.00, and to approve the new Subdivision Improvements Agreement for Cowboy Heaven Phase 3C (Area 3) and Phase 3D, between Madison County and Moonlight Basin Ranch, and the associated Letter of Credit #2008-10, issued by First Madison Valley Bank in the amount of \$75,079.00, to be signed by the Commission and recorded when the correct, signed documents are submitted by Moonlight. Marilyn Ross seconded the motion. All voted aye and the motion carried.

**Grants – DUI Task Force:** Per request from Lynn Lowder, SWMTCCP, Madison County Prevention Officer, Marilyn Ross moved to sign a letter of support for the Madison County DUI Task Force, Enforcement of Underage Drinking Laws Grant Program Application. Jim Hart seconded the motion. All voted aye and the motion carried.

**Grants – Town of Sheridan:** Per request from the Town of Sheridan, Jim Hart moved to sign a letter of support for the 2008 Safe Routes to School Assessment Application for infrastructure improvements which will improve safety for children commuting to and from school in Sheridan. Marilyn Ross seconded the motion. All voted aye and the motion carried.

**Airports – Airport of the Year Award:** The Board discussed a notice from Rick Donaldson, Robert Peccia and Associates, that he has submitted a request to the Montana Aeronautics Division to consider the Ennis/Big Sky Airport for "Airport of the Year".

**Claims:** The Board approved claims.

**Board Renewals:** Following discussion, Marilyn Ross moved to reinstate the following board members: John Hauck and James Frey to the Airport Board for three year terms that will expire on December 31, 2011; Sam Novich to the Big Hole River Advisory Board for a three year term that will expire on December 31, 2011; Troy Martin and Tom Leo to the Fair Board for two year terms that will expire on December 31, 2010; Doug Young and Sarah Google to the Public Health Board for three year terms that will expire on December 31, 2011; Edward Biga, Paul McMullin and Kathryn Nielsen to the Housing Board for three year terms that will expire on December 31, 2011; David Smith to the Mosquito Board for a three year term that will expire December 31, 2011; Morris Drul and Leslie Jackson to the Nursing Homes Board for three year terms that will expire on December 31, 2011; Eileen Pearce, John Lounsbury, and Katherine Looney to the Planning Board for two year terms that will expire on December 31, 2010; Sarris Marsh and Tikker Jones to the Solid Waste Board for three year terms that will expire on December 31, 2011; Gayla Allhands to the Tax Appeal Board for a three year term that will expire on December 31, 2011; Betty Sykes to the Weed Board for a three year term that will expire on December 31, 2011; Ginger Guinn and Janet Fortner to the 911 Board for three year terms that will expire on December 31, 2011; and John Armstrong to the Cardwell Cemetery District Board; Bill Christensen to the Laurin Cemetery District Board; Ted Darby to the Sheridan Cemetery District Board; Jim Anderson to the Taylor Cemetery District Board; John Burgstrom to the Virginia City Cemetery District Board; and Sherry Smith to the Twin Bridges Cemetery District Board; all for three year terms that will expire on December 31, 2011. Jim Hart seconded the motion. All voted aye and the motion carried.

**Weed Building Project:** Margie Edsall, Weed Coordinator, and Dale Gross, Program Assistant, met with the Board to discuss the renovation of the old road shop in Alder, Montana. Dale presented the Board with a copy of the specifications for the project and reviewed minor modifications to the plans. Based on the recommendation of the Weed Board and staff, Jim Hart moved to authorize the Weed Department to put the project out to bid with the discussed changes. Marilyn Ross seconded the motion. All voted aye and the motion carried.

**Administrative Rules Retention:** Peggy Kaatz, Clerk and Recorder, met with the Board to discuss the retention schedule for keeping copies of Administrative Rules of Montana. Peggy also requested that Madison County receive the new electronic version of A.R.M. rather than retaining hard copies. Marilyn Ross moved to notify the Secretary of State that Madison County would like to receive the electronic format of the Administrative Rules of Montana and that Madison County would provide public access to the A.R.M. in the Clerk and Recorder's Office. Jim Hart seconded the motion. All voted aye and the motion carried.

**Pioneer Cemetery Board Resignation:** Marilyn Ross moved with regret and appreciation of service to accept the resignation of Wayne Wilson from the Pioneer Cemetery Board and to advertise the vacancy. Jim Hart seconded the motion. All voted aye and the motion carried.

**Mosquito Board Appointment:** Having received an application, Marilyn Ross moved to appointment James R. Ward to the Twin Bridges Mosquito Board to fulfill a three year term that will expire on December 31, 2010. Jim Hart seconded the motion. All voted aye and the motion carried.

**Ennis Airport Manager Position:** The Board discussed applications for the Ennis Airport Manager position. Barbie Durham, Airport Board Secretary, will schedule interviews for December 22, 2008.

**Department of Revenue Taxable Value Discrepancy:** The Board discussed a letter from Mark Olson, Area Manager, Montana Department of Revenue, reporting an error in the taxable value in several jurisdictions. Jim Hart will contact Brandy Hilton, Assessor, to determine the total amount of loss to Madison County.

**Legislative Issues:** Debby Barrett, Senate District 36 Senator Elect, and Bob Wagner, House District 71 Representative Elect, met with the Board to discuss topics that will be introduced in the next legislative session. Those on the attached list were present for this portion of the meeting. Topics discussed were funding for Brucellosis control and testing; the Ruby Dam Rehabilitation Project; local option sales tax; elk populations and status of elk as brucellosis carriers; deer populations, crop loss due to animals, and the number of accidents caused by deer on public roads; mail ballot legislation; school funding; weed laws; and infrastructure needs.

Commissioner's Meeting – December 16, 2008

**Minutes:** Marilyn Ross moved to approve the December 9, 2008, minutes with corrections. Jim Hart seconded the motion. All voted aye and the motion carried.

**Maintenance Job Description:** The Board reviewed the job description for Maintenance personnel. Marilyn Ross moved to approve the Maintenance Job Description as revised. Jim Hart seconded the motion. All voted aye and the motion carried.

With no further business the meeting was adjourned at 5:25 p.m.

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David Schulz, Chairman  
Board of Madison County Commissioners

Date Approved: December 30, 2008

Minutes prepared by:

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Laurie Buyan, Administrative Assistant

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Peggy Kaatz, Clerk and Recorder, Madison County